

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GANZ & HAUF, CHTD,  
Plaintiffs,

vs.

DAVID SCOTT; UNIVERSITY MEDICAL  
CENTER OF SOUTHERN NEVADA, dba  
UNIVERSITY MEDICAL CENTER, dba  
UMC; LAS VEGAS NEUROSURGERY  
ORTHOPAEDICS AND REHABILITATION,  
LLP; MARK KABINS, M.D., RADAR  
MEDICAL GROUP, LLP; RUSSELL J.  
SHAH, M.D., LTD; RUSSELL J. SHAH,  
M.D.; MICHAEL CROWLEY, M.D., ZOTEC  
PARTNERS, LLC; J. PAUL WIESNER &  
ASSOCIATES LTD dba RADIOLOGY  
ASSOCIATES OF SOUTHERN NEVADA;  
RED ROCK DIAGNOSTICS, LLC;  
STRATEGIC RECOVERY PARTNERSHIP,  
INC.; SPORTSMAN'S WAREHOUSE INC.;  
AMERIBEN/LEC GROUP,

Defendants.

2:10-CV-00996-PMP-LRL

**ORDER**

On August 10, 2010, the Court entered an Order (Doc. #12) granting Defendant Sportsman's Warehouse Inc.'s Motion to Dismiss for failure of Plaintiff to file a timely opposition.

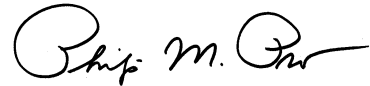
On August 19, 2010, Plaintiff filed a Motion to Reconsider Order Granting Defendant's Motion to Dismiss (Doc. # 13). Plaintiff's Motion to Reconsider is based upon a stipulation reached by counsel for the parties (Doc. #13) July 30, 2010,

1 which would have permitted Plaintiff to and including August 31, 2010 within which  
2 to file its opposition to Defendant's motion to dismiss. That stipulation was never  
3 approved by the Court, but Plaintiff argues that it was reasonable for Plaintiff to rely  
4 on the stipulation nonetheless. Defendant responds that any further extension would  
5 be futile. Indeed Defendant may be correct. However, the Court concludes it to be  
6 appropriate to resolve Defendant's Motion to Dismiss on its merits rather than a  
7 matter of procedural default. The Court, however, notes that Plaintiff has not  
8 provided a substance Opposition to Defendant's Motion to Dismiss. The Court will  
9 merit a very brief extension of time to do so.

10 **IT IS THEREFORE ORDERED** that Plaintiff GANTZ & HAUF, Chtd's  
11 Motion to Reconsider Order Granting Defendant's Motion to Dismiss (Doc. # 13) is  
12 **GRANTED** and that this Court's Order (Doc. #12) granting Defendant Sportsman's  
13 Warehouse Inc.'s Motion to Dismiss is hereby **VACATED**.

14 **IT IS FURTHER ORDERED** that Plaintiff GANZ & HAUF, Chtd's  
15 shall have to and including **September 27, 2010**, within which to file an Opposition  
16 to Defendant Sportsman's Motion to Dismiss (Doc. #4). Failure to do so will result  
17 in the immediate granting of Defendant Sportsman's Motion to Dismiss (Doc. #4).

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19 DATED: September 17, 2010.

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PHILIP M. PRO  
23 United States District Judge  
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